

Message

---

**From:** Wortman, Eric [Wortman.Eric@epa.gov]  
**Sent:** 1/14/2022 12:24:54 PM  
**To:** Bird, Patrick [Bird.Patrick@epa.gov]  
**Subject:** FW: DRAFT proposal of permit decision

Minor edits below:

---

**From:** Bird, Patrick <Bird.Patrick@epa.gov>  
**Sent:** Friday, January 14, 2022 7:13 AM  
**To:** Hamjian, Lynne <Hamjian.Lynne@epa.gov>; Greene, Cynthia <Greene.Cynthia@epa.gov>; Wortman, Eric <Wortman.Eric@epa.gov>; Dain, Gregory <Dain.Greg@epa.gov>  
**Subject:** DRAFT proposal of permit decision

Hi all,

## Ex. 5 Deliberative Process (DP)

Let me know your thoughts. Thanks!

\*\*\*

Issue: On Jan 11, 2022, letters addressed to Administrator Regan were sent by a concerned citizens group in Long Island, New York about environmental concerns related to the South Fork Wind Farm, a 130 MW offshore wind farm proposed for construction southwest of Martha's Vineyard, Massachusetts with an export cable extending to East Hampton, New York. One letter raised concerns about EPA's pending decision related to the outer continental shelf (OCS) CAA permit and the Agency's decision to not require offsets for construction-based emissions. EPA Region 1 ~~was~~ is scheduled to finalize the permit on Jan 18, 2022.

Background: EPA's proposed decision to not require offsets for construction-based emissions went through a notice and comment procedure, and the comment period closed on Dec 6, 2021. EPA received three supportive comments and no adverse comments on the proposed decision. The concerned citizens group did not comment at all during the public comment period.

EPA's regulations at 40 C.F.R. Part 124 and Environmental Appeals Board case law clearly support the position that a regional office need not respond to comments received either before or after the official public comment period.

## Ex. 5 Deliberative Process (DP)

# Ex. 5 Deliberative Process (DP)

Region 2 will take the lead in responding to the incoming letter, with a response issued after the final permit is issued. The response will be coordinated between regional offices, OAQPS, and OGC.

\*\*\*

Patrick Bird  
US EPA Region 1  
5 Post Office Square, 05-2  
Boston, MA 02109  
p: 617-918-1287  
e: [bird.patrick@epa.gov](mailto:bird.patrick@epa.gov)